

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 29, 2005 ("Office Action"). Applicants appreciate the Examiner's consideration of the Application. At the time of the Office Action, Claims 1-17 were pending in the Application. Although Applicants believe the claims are allowable without amendment, to expedite the issuance of a patent from this Application, Applicants amend Claims 9, 15, and 17. Applicants do not consider these amendments necessary for patentability. In addition, Applicants add new Claims 18-20. Applicants respectfully request reconsideration of Claims 1-17 and allowance of Claims 1-20.

Claims 1-17 are Allowable over the '873 Provisional Application

The Examiner rejects Claims 1-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0018078 A1 issued to Khan et al. (hereinafter "the '078 Publication"). Applicants respectfully traverse.

Independent Claim 1 recites:

A method for defining a composite web page, comprising:
identifying a web page;
analyzing the web page to determine a list of the associated elements;
presenting the list to a user;
receiving a user selection of one or more associated elements from the list; and
registering the user selection.

Independent Claims 9 and 14-17 recite certain substantially similar limitations.

As an initial matter, Applicants note that the '078 Publication has an actual filing date after the effective filing date of the present application and therefore cannot be used to reject the claims under § 102(e) unless there is "proper support for the subject matter as required by 35 U.S.C. 119(e) or 120," (M.P.E.P. § 706.02(f)(1), Example 2) in a priority document with a filing date earlier than the present application (and subject to any possible swear behind). In the present case, the '078 Publication relies on Provisional Application 60/209,873 (hereinafter "the '873 Provisional Application") to establish priority. However, the '873 Provisional Application was not furnished with the Office Action, nor was any indication

given in the Office Action of what, if any, elements in the provisional application provide "proper support for the subject matter" in the '078 Publication used in rejecting the claims. Thus, there is no indication that the Examiner determined what the provisional application did or did not disclose.

The '873 Provisional discloses a method for generating a customized network interface. (Page 3, Lines 3-4). The disclosed method allows a user to select portions of a web page, drag the selected portions into an information screen, and then store the information screen for later retrieval. (Page 3, Lines 6-10 and 22-24). However, the '873 Provisional Application fails to disclose, teach, or suggest each and every limitation recited in independent Claim 1. As an example, the '873 Provisional Application fails to disclose, teach, or suggest "analyzing the web page to determine a *list of the associated elements*" or "*presenting the list* to a user," as recited in independent Claim 1. Rather, the '873 Provisional Application discloses, "When the user wishes to add content, a web-page chosen by the user is presented in operation 302. In operation 304, the user is then allowed to select the headline or hyperlink of his/her choice and simply drags and drops it into his/her portal." (Page 18, Lines 23-26). The method disclosed in the '873 Provisional Application merely presents a web page to a user in the format that it is typically seen in a browser. The method disclosed does not include any additional steps for presenting information to the user for selection by the user. The method disclosed in the '873 Provisional Application cannot be construed as disclosing, teaching, or suggesting "analyzing the web page to determine a *list of the associated elements*" or "*presenting the list* to a user." Accordingly, the '873 Provisional Application fails to disclose, teach, or suggest each and every limitation recited in independent Claim 1. In addition, these limitations would not be obvious in view of the '873 Provisional Application which merely presents a web page. Independent Claims 1, 9, and 14-17 are allowable for at least these reasons.

Dependent Claims 2-8 and 10-13 depend from independent Claims 1 and 9, shown above to be allowable. For at least this reason, dependent Claims 2-8 are also allowable.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-17.

Claims 18-20 are Allowable over the '873 Provisional Application

Dependent Claims 18-20 are allowable based on their dependence on the allowable independent claims and further because they recite additional patentable distinctions over the '873 Provisional Application. As one example, Claims 18 and 20 recite "analyzing the web page includes parsing HTML source code of the web page." Certainly nothing in the '873 Provisional Application can be properly construed as disclosing, teaching, or suggesting this limitation. As another example, Claim 19 recites "presenting the list to the user includes providing a view of the relationships between the associated elements in the form of a tree structure." As discussed above, the method disclosed in the '873 Provisional Application merely presents a web page to a user. Certainly, nothing in the '873 Provisional Application discloses providing a tree structure or anything other than a typical browser view of a web page. Accordingly, the '873 Provisional Application fails to disclose, teach, or suggest each and every limitation recited in dependent Claims 18-20. For at least these reasons, dependent Claims 18-20 are allowable.

For at least these reasons, Applicants respectfully request allowance of dependent Claims 18-20.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicants, at the Examiner's convenience at (214) 953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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